

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **David Slater v FH Martin Construction Co**
Docket No. **284087**
L.C. No. **2006-079246-NO**

Christopher M. Murray, Chief Judge Pro Tem, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The claim of appeal from the February 8, 2008 order is DISMISSED for lack of jurisdiction because appellant claimed an appeal of right even though the circuit court had not entered an order that set the amount of damages that defendant/cross-defendant F.H. Martin Construction Co. owes defendant/cross-plaintiff Kroger Co. of Michigan. MCR 7.202(6)(a)(i) and MCR 7.203(A)(1). See also *Children's Hosp v Auto Club Ins Ass'n*, 450 Mich 670, 677; 545 NW2d 592 (1996) (the order appealed was not final because the circuit court had not entered an order setting the amount of damages owed).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY - 8 2008

Date

Sandra Schultz Mengel
Chief Clerk